

REMARKS

Prior to entry of the present amendment, claims 12, 18, and 38-41 are pending.

Claims 12, 18, and 38-41 are rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 112, second paragraph. Applicants address each basis for rejection as follows.

As an initial matter, Applicants wish to thank Examiner Hissong for the helpful telephonic interview conducted with Dr. Jan N. Tittel of Clark & Elbing LLP on March 11, 2008. As discussed during the interview, Applicants, herewith, present claims 38 to 40 re-written in independent form. As set forth below, Applicants submit that claims 38-43 are free of the bases for rejection set forth in the current Office Action and, therefore, are in condition for allowance. Such action is hereby respectfully requested.

Claim Amendments

Claims 12 and 18 have been canceled. Claims 38, 39, and 40 have been re-written in independent form. In view of the amendment to claim 40 and the cancellation of claim 18, the dependency of claim 41 has been amended. New claims 42 and 43 have been added. Claims 42 and 43 find support, for instance, in Table 1 and Example 1 of the specification as filed.

In addition, the claims have been amended to require the peptide or antagonist to inhibit *VEGF-induced* proliferation of a cell or *VEGF-induced* neovascularization. Support for this amendment is found, for instance, in Example 1 at pages 30 and 31 of the

specification as filed. No new matter has been added by the present amendments.

Applicants reserve the right to pursue any canceled subject matter in this or in a continuing application.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 12, 18, and 38-41 are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement and written description requirements and because the recitation of the phrase “at least 82% identical” is asserted to be new matter. As noted above, claims 12 and 18 have been canceled and the rejection of these claims, therefore, is moot. The present claims do not recite the phrase “at least 82% identical.” Accordingly, the new matter rejection is also moot.

With regard to claims 38-41, the Office states (pages 4 and 5):

It is noted that claims 38-41 are rejected for depending from rejected base claims.

As indicated above, claims 38-40 have been re-written in independent form. Claim 41 depends from claim 40. Applicants, because the present claims no longer depend from rejected base claims, submit that claims 38-41 are free of these bases for rejection. The rejections under 35 U.S.C. § 112, first paragraph, may be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 12, 18, and 38-41 are rejected under 35 U.S.C. § 112, second paragraph, as

— indefinite in reciting a peptide comprising “a sequence that, over its full length, is at least 82% identical to the sequence of SEQ ID NO:2.” The claims, as amended, no longer recite the phrase in question. This basis for the indefiniteness rejection should be withdrawn.

The Office states (page 7):

It is noted that claims 38-41 are rejected for depending from rejected base claims.

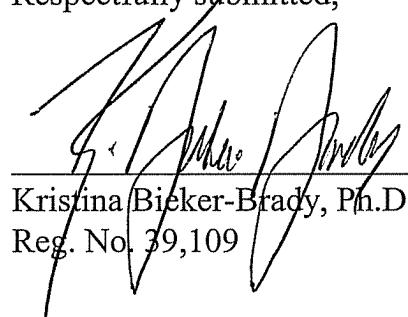
Claims 38-40 have been re-written in independent form and claim 41 depends from claim 40. The claims no longer depend from a rejected base claim. Accordingly, Applicants submit that the present claims are free of this basis of the indefiniteness rejection. For all the above reasons, Applicants submit that the 35 U.S.C. § 112, second paragraph rejection of claims 38-41 should be withdrawn and that new claims 42 and 43 are free of this basis for rejection.

CONCLUSION

Applicants submit that the application is now in condition for allowance, and such action is hereby respectfully requested.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,


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